

MARTHA G. BRONITSKY, SBN 127583
CHAPTER 13 STANDING TRUSTEE
LEO G. SPANOS, SBN 261837, STAFF ATTORNEY
NIMA GHAZVINI, SBN 254758, STAFF ATTORNEY
P.O. BOX 5004
HAYWARD, CA 94540
PH: (510) 266-5580
FAX: (510) 266-5589
13trustee@oak13.com

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

CHAPTER 13

BILLY JAMES PHILLIPS

CASE NO. 18-41947 WJL 13

Debtor(s),

**DECLARATION OF LEO G.
SPANOS RE MOTION FOR
RELIEF FROM STAY FILED BY
U.S. BANK TRUST NATIONAL
ASSOCIATION AS TRUSTEE OF
THE BUNGALOW SERIES III
TRUST ("US BANK")**

I, Leo G. Spanos, declare as follows:

1. I am an attorney duly admitted to practice before the United States District Court for the Northern District of California.
2. I know the following of my own personal knowledge and could and would competently testify thereto if called upon to do so.
3. I am Staff Attorney for Martha G. Bronitsky, the Chapter 13 Standing Trustee in the Oakland Division of the United States Bankruptcy Court for the Northern District of California.

4. The Third Amended Chapter 13 Plan (“plan”) lists payments of \$2,834 for 1 month and \$2,845 for 59 months and provides for conduit mortgage payments to US Bank in the amount of \$1,647.78 for September 2018 and \$1,679.46 thereafter (doc. #47).
5. The Debtor has made two plan payments as follows: \$2,834 on 09/27/2018 (month 1), \$0.00 in October 2018, and \$2,845 on 11/09/2018.
6. The Trustee distributed \$1,647.78 to US Bank on 10/01/18.¹
7. The Trustee mailed a distribution of \$1,679.46 to US Bank on 11/26/2018 from the Debtor’s payment received on 11/09/2018.
8. The Debtor remains delinquent \$2,845, with the payment to be received by 11/20/2018.
9. On October 22, 2018, the Trustee filed a motion to dismiss for failure to make the October 2018 payment (\$2,845).
10. The notice on the Trustee’s motion to dismiss will run on 11/12/2018.

I, Leo G. Spanos, declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed in Hayward, California on November 26, 2018.

/s/Leo G. Spanos 5909

Leo G. Spanos, Esq.

Staff Attorney to Martha G. Bronitsky, Esq.

Chapter 13 Standing Trustee

¹ US Bank cashed this check on or about 10/10/2018.